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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

Report of the Secretary-General

Summary

The present report provides details of the efforts made to implement General Assembly resolution 71/96.

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1. The present report is submitted pursuant to resolution 71/96, by which the General Assembly requested the Secretary-General to report at its seventy-second session on the implementation of the resolution.

2. On 15 May 2017, the Secretary-General addressed a note verbale to the Government of Israel in which he requested the Government to inform him of any steps that it had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 15 May 2017 sent to the permanent missions of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, including the State of Palestine, the Secretary-General drew attention to paragrapn 3 of resolution 71/96, by which all High Contracting Parties had been called upon, in accordance with article 1 common to the four Geneva Conventions and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004, to continue to exert all efforts to ensure respect for the provisions of the Convention by Israel. The Secretary-General requested information regarding any steps that the High Contracting Parties had taken or envisaged taking concerning the implementation of the resolution.

5. One reply, from the Permanent Mission of Cuba, had been received at the time of the preparation of the present report.

6. On 16 June 2017, Cuba noted its full support for the resolution and reiterated its call for the prompt and immediate application of the resolution by all Member States.

7. Cuba noted that the Convention protected the civilian population in the occupied territories against abuses committed by the occupying Power and required the occupying Power not to discriminate against the civilian population, to protect civilians against all forms of violence and, to the extent possible, to ensure that civilians had access to a normal life in accordance with their laws, culture and traditions. Cuba, as a High Contracting Party, reaffirmed the full and absolute applicability of the Convention to the Occupied Palestinian Territory, including East Jerusalem and other Arab territories occupied by Israel since 1967. Cuba stated that Israel, the repeated calls by the international community notwithstanding, was refusing to accept the applicability of the Convention to the Occupied Palestinian Territory, including East Jerusalem.

8. Cuba noted the continued raids by the Israeli army into the Occupied Palestinian Territory, emphasizing that those raids perpetuated the violent and destructive nature of the occupation. Cuba highlighted the situation of thousands of Palestinian prisoners being held in Israeli jails who suffered from constant violations of their human rights, abuse, torture and humiliation, which also constituted violations of international humanitarian law.

9. Cuba stated that the impunity with which the occupying Power had acted for many years was due to, among other things, the inaction of the Security Council. Cuba argued that the Council had been marred by double standards and a lack of transparency, by one of its permanent members in particular, and called for those practices to cease.

10. Cuba reiterated its call upon the occupying Power to immediately cease all violations of international law, including international humanitarian law, and to fully abide by its legal obligations, including under the framework of the Convention. Cuba recalled that article 1 common to the four Geneva Conventions

provided that the High Contracting Parties had committed themselves to respecting and enforcing the Conventions in all circumstances.

11. Cuba condemned the prolonged and illegal occupation of the Palestinian territory and the continued military campaign against Palestinians, especially in the Gaza Strip. Cuba asserted that, through those military campaigns, the occupying Power had continued to perpetrate grave violations of human rights and war crimes, including the excessive and indiscriminate use of force, including against children, and had caused the vast destruction of properties, infrastructure and agricultural land.

12. Cuba called for the forced and arbitrary detention and imprisonment of thousands of Palestinian civilians, including hundreds of women and children, and the ill-treatment of prisoners in Israeli prisons to cease immediately. Furthermore, it demanded that the detainees and prisoners should be released.

13. Cuba reaffirmed its determination to continue to support the legitimate struggle of the Palestinian people for justice, dignity, peace and their inalienable right to self-determination and sovereignty in an independent State of Palestine with pre-1967 borders and East Jerusalem as its capital.